

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROSA ISELA GRANADOS CASTRO,)	
)	CASE NO. C13-0581-JLR-MAT
Petitioner,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
ICE FIELD OFFICE DIRECTOR,)	
)	
Respondent.)	
_____)	

Petitioner Rosa Isela Granados Castro, proceeding pro se, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the lawfulness of her immigration detention and seeking either supervised release or a bond hearing. Dkt. No. 5. After her habeas petition was filed, however, petitioner received an individualized bond hearing and was released from immigration custody under bond in the amount of \$6000. Dkt. No. 11, Exh. B. Because petitioner has been released from immigration custody, her habeas petition has become moot and should be dismissed.

Under 28 U.S.C. § 2241, a writ of habeas corpus “shall not extend to a prisoner unless . . . [sh]e is in custody in violation of the Constitution or laws or treaties of the United States.”

01 28 U.S.C. § 2241(c)(3). The “in custody” requirement is satisfied at the time the petition is
02 filed. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). To maintain a habeas claim, a petitioner must
03 continue to have a personal stake in the outcome of the suit throughout “all stages of federal
04 judicial proceedings.” *United States v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001). At any
05 stage of the proceedings, a petition may become moot “because it no longer present[s] a case or
06 controversy under Article III, § 2, of the Constitution.” *Spencer*, 523 U.S. at 7. “For a habeas
07 petition to continue to present a live controversy after the petitioner’s release or deportation,
08 however, there must be some remaining collateral consequences that may be redressed by
09 success on the petition.” *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir. 2007) (citing *Spencer*,
10 523 U.S. at 7).

11 Here, the relief sought in the habeas petition is no longer available and there are no
12 collateral consequences that may be redressed. *See id.* (“[W]here the grounds for habeas relief
13 will not redress collateral consequences, a habeas petition does not continue to present a live
14 controversy once the petitioner is released from custody.”). The habeas petition, therefore, has
15 become moot and should be dismissed. *See id.*; *see also Flores-Torres v. Clark*, 548 F.3d 708,
16 710 & n.3 (9th Cir. 2008) (dismissing as moot a challenge to immigration detention without a
17 custody redetermination hearing because the alien had subsequently received a hearing).

18 For the foregoing reasons, the court recommends that this action be dismissed. A
19 proposed order accompanies this Report and Recommendation.

20 DATED this 19th day of August, 2013.

21 

22 Mary Alice Theiler
Chief United States Magistrate Judge